



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Israel RUBINSTEIN, et al
Serial No.: 09/922,220 Group No.: 1743
Filed: August 3, 2001 Examiner.: Lyle Alexander
For: METHOD AND APPARATUS FOR DETECTING AND QUANTIFYING A
CHEMICAL SUBSTANCE EMPLOYING AN OPTICAL TRANSMISSION
PROPERTY OF METALLIC ISLANDS ON A TRANSPARENT SUBSTRATE

Attorney Docket No.: U 013579-0

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FINAL ACTION

The Official Action of 13 December 2007 has been carefully considered
and reconsideration of the application in view of the present submission is
respectfully requested.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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The claims have been rejected under 35 USC 102(b) as allegedly being anticipated by Florin et al, Bowen et al or Yee et al. Applicants respectfully traverse these rejections.

First, the Applicants note that they have received only insufficient information in the Office Action on how the Examiner applies the reference to the claims of record. For example, the Office Action does not specify where the Florin et al., or Bowen et al., or Yee et al. reference refers to a structure comprising a plurality of spaced-apart metallic **islands**. As well, the Office Action does not specify where the reference (Florin et al., or Bowen et al., or Yee et al.) refers to **a detector receiving a transmission of electromagnetic radiation emitted by a transmitter and transmitted through a structure comprising a plurality of spaced-apart metallic islands**.

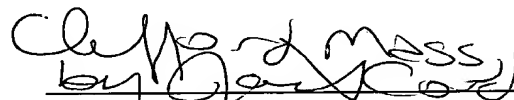
The Applicants though have studied the Florin et al, and Bowen et al., and Yee et al. references. **The Florin et al reference relates to thermoelectric measurements. The Bowen et al. reference relates to Raman measurements. The Yee et al. reference relates to electrical measurements applied to a conductive layer and to the total internal reflection.** The Applicants respectfully submit that the Examiner's characterization of each of the Florin et al, Bowen et al. and Yee et al. references is incorrect: each of these reference deals **neither** with a structure comprising a plurality of spaced-apart metallic **islands** **nor** with **a detector receiving a transmission of electromagnetic radiation emitted by a transmitter**

and transmitted through a structure comprising a plurality of spaced-apart metallic islands. Thus, the features of the independent claims of record are not disclosed in any of the cited references.

As for the Examiner's rejections of the **dependent claims** 214-262 and 264-330, **these rejections are not reasoned in the Office Action at all**. Considering the above argument regarding the independent claims, **these dependent claims are also patentable over each of the Florin et al, Bowen et al and Yee et al references**.

In view of the above, Applicants respectfully submit that the references of record are insufficient to set forth even a *prima facie* case of anticipation for the claims on file. Accordingly, Applicants respectfully submit that the rejections of record should be withdrawn and the application passed for allowance. If the Examiner disagrees, Applicants respectfully request that the aforementioned Official Action be vacated and that a corrected action issue which makes clear how the Examiner is applying the references to the recitations in the independent and dependent claims of record.

Respectfully submitted,


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